

# Notice of Allowability

Application No.

09/283,192

Examiner

Callie E. Shosho

Applicant(s)

KURABAYASHI, YUTAKA

Art Unit

1714

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview conducted 8/25/03.
2. ☒ The allowed claim(s) is/are 63-70 and 73-82.
3. ☒ The drawings filed on 01 April 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                    |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>8/25/03</u> . |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                            |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance           |
|  | 9 <input type="checkbox"/> Other  |

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 82, line 3, after "medium", delete "at a certain solid concentration" and insert "such that the total amount of the solid concentration of the self-dispersing pigment and the resin encapsulating a coloring material is 8 percent by weight based on the total weight of the ink".

(2) Claim 82, line 8, after "the" and before "and", delete "certain solid concentration" and insert "solid concentration of 8 percent".

2. Authorization for this examiner's amendment was given in a telephone interview with Jean Dudek on 8/25/03.

**Statement of Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance:

In the office action mailed 2/26/03, the only rejections of record against the present claims were rejections of all the pending claims, i.e. claims 63-70 and 73-82, under 35 USC 112, first paragraph and 35 USC 112, second paragraph.

In response, applicant's after-final amendment filed 7/23/03 amended claim 82 and added new claim 83. In the Advisory Action mailed 8/19/03, the examiner did not enter the amendment given that it raised new issues that would have required further consideration.

Subsequently, in light of the telephone interview conducted 8/25/03 (see attached Interview Summary), applicants agreed to amend claim 82 (see examiner's amendment as set forth in paragraph 1 above). In light of the amendment, the 35 USC 112, first paragraph and second paragraph rejections of record are overcome.

It is further noted that the present claims are allowable over the "closest" prior art of record, Tsutsumi et al. (U.S. 6,031,019) and Lin (U.S. 5,851,274), for the following reasons.

Tsutsumi et al. disclose aqueous ink jet ink that contains a colorant such as a pigment encapsulated into polymer particles. It is further disclosed that not all the colorant is encapsulated into the polymer. Thus, Tsutsumi et al. disclose ink that comprises colorant and resin encapsulating colorant wherein the free colorant and the colorant encapsulated by the resin are the same. This is in direct contrast to the present claims that require self-dispersing pigment and resin encapsulating a coloring material wherein the coloring material is oil-soluble dye or

water-insoluble pigment. That is, whereas Tsutsumi et al. discloses ink wherein the free colorant present in the ink and the colorant encapsulated by the resin are the same, the present claims require that the free colorant and the colorant encapsulated by the resin are different; namely the present claims require that the free colorant is self-dispersing pigment and the colorant encapsulated by the resin is oil-soluble dye or water-insoluble pigment. Further, it is noted that there is no disclosure or suggestion in Tsutsumi et al. of self-dispersing pigment.

Lin discloses aqueous ink composition that contains pigment such as carbon black that is chemically modified with anionic or cationic functional groups, i.e. self-dispersing pigment. However, there is no disclosure or suggestion of resin encapsulating a coloring material as required in all the present claims. This is especially significant in light of the comparative data set forth in the present specification. The data compares ink within the scope of the present claims, i.e. comprising self-dispersing pigment and resin encapsulating a coloring material (for instance, example 4) with ink outside the scope of the present claims, i.e. comprising self-dispersing pigment only (for instance, comparative example 2). It is shown that the ink of the present invention is superior in terms of resistance to line marker and rub-off resistance.

In light of the above, the present claims are passed to issue.

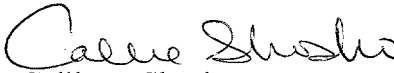
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Callie E. Shosho  
Primary Examiner  
Art Unit 1714

CS  
8/26/03